

MAR 17 2010

**NOTICE OF APPEAL
FROM A DECISION OF THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Patent Application

Inventors(s): Susanne Arney **Case:** 10-18-4
Timofei Nikita Kroupenkin
Donald Weiss

Serial No.: 10/798,064 **Filing Date:** March 11, 2004

Examiner: Brian E. Pellegrino **Group Art Unit:** 3738

Title: Drug Delivery Stent

**THE COMMISSIONER OF PATENTS AND TRADEMARKS
ALEXANDRIA, VA 22313-1450**

SIR:

NOTICE OF APPEAL

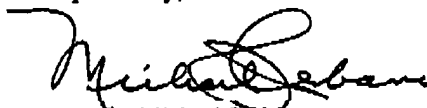
Applicants hereby appeal to the **Board of Patent Appeals and Interferences** from the decision of the Examiner dated November 19, 2009 rejecting claims 1-21.

As indicated in the aforesaid Examiner's decision, in view of Applicant's Appeal Brief of August 13, 2009, the Examiner has reopened prosecution and has set forth new grounds for rejection of claims 1-21. The Supervising Primary Examiner (SPE) who approved reopening prosecution indicated that Applicants have two options: (1) file a reply under 37 C.F.R. §1.111 or §1.113, or (2) initiate a new appeal by filing a notice of appeal under 37 C.F.R. §41.37. In the latter case, the SPE further stated that the previously paid notice of appeal fee and appeal brief fee would be applied to the new appeal. Inasmuch as Applicants have chosen to initiate a new appeal, **NO NOTICE OF APPEAL FEE IS DUE** with the filing of this paper.

In the event of any non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit my VISA as required to correct the error. Form 2038 is attached.

Please address all correspondence to me at 1445 Princeton Drive, Bethlehem, PA 18017-9166.

Respectfully,



Michael J. Urbano
Attorney for Applicants
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Date: 03/17/10